

IN THE COURT OF JUDICIAL MAGISTRATE, GUDIYATHAM

Present: Dr. J.Stalin, M.L., Ph.D

Judicial Magistrate, Gudiyatham.

Monday, the 09th day of September 2024

C.C. No.188/2023

CNR.No.TNVL11-004227-2022

The Sub-Inspector of Police,
Paradarami Police Station
Crime No.43/2021

..... Complainant

-Vs-

Sundarajan, M/A 38,
Son of Gopal,
Main Road,
Poosarivalasai Village,
Buttavaripalli Post,
Gudiyatham.

.... Accused

Case-Summary

	Description		Particulars
1.	Period of remand of the accused		--
2.	Date of filing of the final report		30.08.2022
3.	Date of committal of the case to the Court of Session		Not Applicable
4.	Date of 1 st questioning of the accused		12.01.2024
5.	Details of Criminal Miscellaneous Petitions(CMP's)		--
6.	Date of Chief examination of witnesses		Cross -Examination
	PW – 1	28.08.2024	--
	PW – 2	30.08.2024	30.08.2024
7.	Date of examination of the accused u/s.313 of CrPC		05.09.2024

8.	Details of abscond of a accused and his appearance/production	Offence is Non Bailable, he is arrested and released by court and appeared the court on summons.
9.	Grant of stay by superior courts and the results thereof	--

This case has taken cognizance on 27.04.2023 and it is coming up for final hearing on 05.09.2024 before me in the presence of Assistant Public Prosecutor Grade-II for complainant and Mr.M.Ravi, B.A.,B.L., Advocate for Accused and on hearing submissions and upon consideration and having stood over till this day for consideration, this court delivered the following:-

JUDGMENT

The Sub-Inspector of Police, Paratharami Police Station, has filed final report stating that on 02.04.2021 around 16.00 hours, when the de-facto complainant has riding his village Poosarivillai, near his house, that time the accused came there and abused him in filthy languages and assaulted and he sustained injury and thereby threatened the de-facto complainant with dire consequences and thereby accused committed offence punishable under Section 294(b) and 325 IPC.

2. On taking cognizance, by this court, accused was summoned and on appearance of accused, copies of final report and other documents were furnished to the accused under Section 207 CrPC.

3. After giving sufficient opportunity to accused and after perusing the material records, being satisfied that there are prima facie that the accused has committed offence triable by this court, the charge against the accused for offence under Section 294(b), 325 IPC was read over and explained to the accused and questioned, 'whether he plead guilty or not'. The accused are denied the offence and pleaded innocence hence, the prosecution is directed to proceed with trial.

4. The prosecution in order to prove the charges examined PW1 to PW2 after dispensing other witnesses and marked Ex.P-1 to Ex.P-9.

5. The facts of the prosecution case as elucidated from the evidence and documents are that on 02.04.2021 around 16.00 hours, when the de-facto complainant has riding his village Poosarivillai, near his house, that time the accused came there and abused him in filthy languages and assaulted and he sustained injury and thereby threatened the de-facto complainant with dire consequences thereby threatened the defacto complainant with dire consequences and the de-facto complaint lodged the complaint under Ex.P-1.

6. On receipt of complaint, the Sub-Inspector of Police, PW-2, received the complaint and registered the case in Crime No.43/2021 for offences under Section 294(b), 324 IPC, the signature in complaint is marked as Ex.P-1 and complaint is marked as Ex.P-2 and the FIR is marked as Ex.P3. On the same day, he rushed to the scene of occurrence and prepared the rough sketch, Ex.P-4 and observation mahazar, under Ex.P-5, in the presence of witness Munikrishanan and Muralimohan and he examined the Doctor Ramya and collected the Accident Register under Ex.P-6 and the Wound Certificate under Ex.P-7 and arrested the accused, and recorded the statement on the basis of statement case property stone was recovered through the seizure mahazar, the Seizure Mahazar marked under Ex.P-8 and stone marked as M.O.1 and it is forwarded to court through Form-95 it is marked under Ex.P-9. On completion of investigation and satisfying with himself that the accused has committed the offence under Section 294(b), 325, IPC, he filed final report against the accused.

7. After completion of prosecution evidence, the incriminating circumstances stand against the accused were read over to him and questioned under Section 313(1)(b) of Cr.P.C. The accused denied the evidences and pleaded that all are false witnesses. On the side of the accused, no oral evidence was addressed and no exhibits were marked.

8. Points for consideration:-

Whether the prosecution has proved the charges under Section 294(b), 325 IPC as against accused beyond reasonable doubts?

In respect of deciding this point, the following issue to be analyzed,

i) Whether the accused are restrained and uttered obscene word in public place?

ii) Whether the accused caused sustained injury to the de-facto complainant?

9. Points:-

Heard both sides.

10. On considering the evidences and documents, PW-1 is a victim, and PW2 is an investigation officer.

11. The present case is concerned for that the accused restrained and abusing words the PW1 restrained and threatened him in dire-consequence to his life. In respect of these offences the charges framed under Section 294(b), 325 IPC.

Next it has to be analyzed '*whether the ingredients of offence under Section 294(b) 325 IPC are proved or not*'. On considering the offences the accused are restrained the PW-1 in the public road and they restrained

the de-facto complaint and inquired who is Ragu, he deposed not aware the accused then they abused the word and assaulted stone and the PW-1 got simple injury and the accused are threaten the life of the PW-1. On perusal of evidence of PW1 to PW2, there is no averment regarding restrain caused by the accused. Further, there is no explanation regarding who was restrained by accused and they assaulted accused. Further, he deposed they are compromised and none of the ingredients of above said provision was made out against the accused. Further, the PW-1 was got treatment or not and Doctor was not examined before this court. Therefore, there is no evidence regarding restrain caused by the accused. In these circumstances, the prosecution has failed to proved the charge levelled against he accused. Further, PW-2 who is investigation officer who deposed that how he conduct the investigation alone.

12. In pursuance of aforesaid discussion none of the witnesses establishes that the accused have committed the offence, hence, this court is of considered view that the prosecution has failed to prove the case against the accused. In these circumstances, the prosecution has not proved its case against the accused for the offence under Section 294(b), 325 IPC.

13. In result, the accused is not found guilty for offence under Section 294(b), 325 IPC and Accused is acquitted as per Section 248 (1) IPC.

14. The case property M.O.1 produced before this court and M.O.1 is ordered to destroy after the appeal time.

Dictated by me to the Steno – Typist, and typed by him, corrected and pronounced by me in the open court on this the 09th day of September 2024.

Sd/- Dr.J.Stalin, M.L.,Ph.D.,
Judicial Magistrate,
Gudiyatham.

Appendix:

List of Prosecution side Witnesses:-

PW-1	Ragu	
PW-2	Nagarajan	Investigation Officer

List of Prosecution side documents :-

Ex.P-1	Signature in Complaint
Ex.P-2	Complainnt
Ex.P-3	First Information Report
Ex.P-4	Rough Sketch
Ex.P-5	Observation Mahazar
Ex.P-6	Accident Register
Ex.P-7	Wound Certificate

Ex.P8 Seizure Mahazar

Ex.P9 Form 95

Prosecution side of Material Object: NIL

List of Accused side Documents and witnesses: NIL.

List of Material Objects: NIL

Sd/- Dr.J.Stalin, M.L.,Ph.D.,
Judicial Magistrate,
Gudiyatham.